

**United States District Court
Southern District of Ohio
Western Division**

Shirdenia Bryant, et al.,
Plaintiff

No. C-1-02-006

vs.

Spiegel, J.; Novotny, MJ

Prescott Bigelow IV,
Defendant

ORDER

Now pending is defendants' motion to compel (doc. 41), to which plaintiffs have filed an opposition (doc. 45), and defendants have replied (doc. 48).

Remaining at issue in the motion to compel are defendants' request for production of plaintiff Bryant's federal tax returns for years 1997 through 2002 and plaintiff Curtis' employment resume.¹ Defendants have withdrawn that part of their motion to compel which addresses plaintiff Curtis' income tax returns.

After full consideration of the arguments of the parties, the Court concludes the motion to compel should be granted. Plaintiff Bryant's federal tax returns are relevant to the subject matter of this action and the defenses raised by defendants. They are discoverable. If plaintiff Bryant prefers, the court would grant her request to make these returns subject to

¹ Apparently defendants did not file written requests for production pursuant to Rule 34, F. R. Civ. P. Nor does the record reflect notices for production at the time of depositions pursuant to Rule 30(b)(5). Rather, defendants orally requested the federal tax returns during the course of plaintiff Bryant's deposition and the employment resume during plaintiff Curtis' deposition. Plaintiff has not objected to defendants' procedure.

protective procedures.

As to Curtis' employment resume, plaintiff Curtis has apparently agreed to disclose the resume, but there seems to be some inexplicable dispute as to whether the disclosure has taken place. The resume is discoverable.

Accordingly, it is now ORDERED:

The motion to compel (Doc. 41) is GRANTED. Plaintiffs' disclosures shall be made no later than December 5, 2003.

s/Susan M. Novotny
Susan M. Novotny
United States Magistrate Judge